

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JOSHUA SEPARZADEH,

*Plaintiff,*

*v.*

ICONIX BRAND GROUP, INC.; ROC  
APPAREL GROUP LLC; MARRIED TO THE  
MOB, INC.; LEAH MCSWEENEY; LCM  
PRODUCTIONS INC.; MULTI-CENTURY  
COMPANY, LTD.; and DIANA GERICH,

*Defendants.*

Case No. 15-cv-8643 (AT) (JCF)

Hon. Analisa Torres  
Hon. James C. Francis

ECF Case  
Electronically Filed

**DECLARATION OF KEVIN McCULLOCH**

I, Kevin McCulloch, an attorney duly admitted to practice before this Court, do hereby declare under penalty of perjury as prescribed in 28 U.S.C. § 1746, as follows:

1. I am one of the attorneys for Plaintiff Joshua Separzadeh (“Plaintiff”) in this action. I have personal knowledge of the facts contained in this declaration and am competent to testify to them.

2. I submit this declaration in further support of Plaintiff’s motion to compel discovery dated February 3, 2017 (Dkt. No. 97 (“Motion”)).

3. On January 23, 2017, I along with co-counsel Nathaniel Kleinman conferred with Attorney Andrew Hambleton, counsel for Defendant Iconix Brand Group, Inc. (“Iconix”), by telephone regarding the various discovery issues raised in our letter dated January 19, 2017.

4. As Mr. Kleinman notes in his declaration, during this call Attorney Hambleton admitted that Iconix had failed to disclose relevant sales by Defendant RAG, failed to produce complete records of sales by RAG, failed to identify the existence of its licensee, New Rise Brand Holdings LLC (“NRBH”), and failed to produce documents showing relevant sales by NRBH.

After learning of these omissions, I stated that I was shocked by this conduct and made clear that I firmly believed that it was sanctionable for this information not to be disclosed in Iconix's Rule 26 disclosures, not to mention in responding to discovery. In response to Attorney Hambleton's request, we agreed to hold off pursuing such a motion to allow Iconix until January 27, 2017 to produce additional documents. We did not agree to a stay of discovery, which obviously would have required informing and seeking approval from the Court.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
March 9, 2017

By:   
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